



1751

CASE HP/1-22690/A/PCT

CERTIFICATE OF MAILING

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Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF

MICHAEL GREEN ET AL

INTERNATIONAL APPLICATION NO. PCT/EP 03/05563

FILED: MAY 27, 2003

FOR: AQUEOUS POLYMER FORMULATIONS

U.S. APPLICATION NO: 10/516,925

35 USC 371 DATE: DECEMBER 2, 2004

Group Art Unit: 1751

Examiner: J. R. Hardee

Confirmation No.: 7425

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

ELECTION

Sir:

This election is being filed within the shortened statutory period for response to the 1-month restriction requirement mailed on January 4, 2007, making this paper due on Monday, February 5, 2007. This paper is timely filed.

The Commissioner is authorized to charge any fee due, or credit any overcharge, as a result of this Amendment to Deposit Account No. 03-1935.

REMARKS

Claims 1-37 are pending in this application.

Restriction Requirement

Claims 1-37 are subject to restriction as set forth in the Office Action. Responsive thereto, the election of Group I, claims 1-37, that is drawn to copolymers comprising monomers I and II is affirmed. Copolymers of methyl chloride quarternized dimethylaminoethylmethacrylate and di(hydrogenated tallow)dimethyl ammonium methyl chloride are selected as a single disclosed species. As indicated below, applicants believe that Groups II-IV should be rejoined with Group I.

The restriction and election requirements are respectfully traversed for the following reasons.

The Examiner objects to the present claims stating the inventions listed as Groups I-IV do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features, reasoning that the subject matter of present application does not share "a significant structural element qualifying as the special technical feature that defines a contribution over prior art" such as those references marked "X" in the PCT Search Report.

It is emphasized that the present claims relate to thickened aqueous formulations, novel homopolymers and copolymers, and household formulations comprising the novel copolymers.

In consequence, the special technical features required under PCT rule 13 as well as Annex B may be seen as the synthesis of novel homopolymers and novel copolymers.

As noted above, the PCT rules do not require a "significant structural element" in common as a prerequisite for unity, but "special technical features that define a contribution which each of the inventions, considered as a whole, makes over prior art" (see Annex B (b) lines 5-6).

Therefore, such technical features present in the current invention may be identified as the formation of novel homopolymers and novel copolymers.

In consequence, the present claims do not violate unity under PCT rules and the restriction requirement is improper.


For all of the above reasons, reconsideration and withdrawal of the restriction requirement is respectfully solicited.

The Applicants respectfully await consideration of the present claims on their merits. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

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Respectfully submitted,
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